

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: David L. Churchill
Application No.: 10/677,578
Filing date: October 2, 2003
Title: Microminiature Gauging
Displacement Sensor

Docket No.: 115-007
Date: October 29, 2010
Group Art Unit: 2862
Examiner: Kenneth Whittington

Renewed application for patent term adjustment under 37 CFR 1.705(b)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is to renew the application for additional patent term adjustment. Applicant originally applied and submitted a fee for this application under 37 CFR 1.18(c) on September 17, 2010. However, subsequently applicant filed a petition to withdraw the application from issuance and filed an RCE. A new notice of allowance has now been issued. Applicant requests that the fee for this application for patent term extension already paid be applied to this renewed petition. However, if another fee for this application for patent term extension is needed please call applicant's attorney and applicant will pay that fee.

Here are the facts under 37 CFR 1.702(a)(2):

Applicant believes that this application is entitled to an additional 3 years and 3 months and 23 days or 1208 days of patent term adjustment. Adding 1208 to the 33 days determined by the PTO equals a total of 1241 days.

On October 10, 2006 Applicant's attorney responded to the office action before the application went abandoned and petitioned to restart the statutory period for reply.

A copy of the letter from the PTO dated May 17, 2010 granting the petition is attached. The letter states, "The Request for Reconsideration is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment and accepting the reply filed October 10, 2006 as being timely filed."

On June 3, 2010 the PTO responded to this October 10, 2006 timely filed reply.

The time between these dates, less the four months for normal PTO response under 37 CFR 1.702(a)(2), is 3 years 3 months and 23 days or about 1208 days.

It appears that the PTO omitted consideration of this time in its determination of patent term adjustment. It appears that the PTO considered that this time was the result of a petition to revive rather than a request to withdraw the holding of abandonment. The holding of abandonment was in fact withdrawn.

Applicant believes the 1208 days should be added to the 33 days indicated on the notice of allowance.

The present patent application is not subject to a terminal disclaimer.

The present patent application included a Request for Continued Examination filed on March 13, 2006. There were no other circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 CFR 1.704.

If there are any questions please call applicant's attorney at 802 864-1575.

Respectfully submitted,
For: David L. Churchill

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